THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8536 OF 2007

Dt: 24.04.2007

Between:

Nagireddy apparao and others.

… Petitioners

and

Sub-Registrar, Yelamanchili and another

… Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8536 OF 2007

ORDER:

The petitioners state that they are the owners of various extents of land in Sy.No.120 of Cheemalapalli Village, Atchutapuram Mandal Visakhapatnam District. They intended to sell the extents held by them and presented sale deeds for registration before the 1st respondent. Their grievance is that the 1st respondent is not registering the documents, despite certificate, dated 09.02.2007, issued by the Mandal Revenue Officer (MRO) to the effect that the lands are Zeroyithi in nature.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioners enclosed a certificate, dated 09.02.2007, issued by the MRO, while presenting the documents executed by them for registration. However, the 1st respondent addressed a letter, dated 21.02.2007, to the District Collector, 2nd respondent herein, to certify that the subject matter of the sale deeds is not an assigned land and to confirm the correctness of the certificate issued by the MRO.

On the face of it, the course adopted by the 1st respondent cannot be sustained. He cannot embark into the enquiry, that too, after the MRO certified that the lands are Zeroyithi in nature. Further, Section 5 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, nullifies the sale deeds, even if executed in

respect of assigned lands. The course of action adopted by the 1st respondent is not provided for in any enactment.

Therefore, the Writ Petition is disposed of, directing the 1st respondent to process the sale deeds presented by the petitioner, without awaiting any certification or approval of the District Collector. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Dt.24.04.2007
GJ